

SIKKIM



GOVERNMENT

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**GOVERNMENT OF SIKKIM
DEPARTMENT OF ANIMAL HUSBANDARY, LIVESTOCK,
FISHERIES AND VETERINARY SERVICES
KRISHI BHAWAN, TADONG (SIKKIM)**

No. 99/ AH&VS(Adm)

Dated:- 29.01.2018

NOTIFICATION

In exercise of the powers conferred by section 9 of the Sikkim Prevention of Cow Slaughter Act, 2017, (17 of 2017) the State Government hereby makes the following rules, namely:-

1. Short title, extent and commencement:

- (1) These rules may be called the Sikkim Prevention of Cow Slaughter Rules, 2018.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force at once.

2. Definition:

In these rules, unless the context otherwise requires:

- (a) "Act" means the Sikkim Prevention of Cow Slaughter Act, 2017.
- (b) "Authorized Committee" means the Committee constituted for monitoring and preparing a census of cows under Sub-rule (2) of rule 3.
- (c) "Authorized Person" means the authorized person as referred to under sub-section (4) of section 4 who shall be a Veterinary Officer/Deputy Director of the concerned districts having territorial jurisdiction and shall be vested with the powers of under sub sections (7) and (8) of section 4 of the Act.
- (d) "Record Keeping Committee" under sub-rule (2) of rule 3 means the record keeping committee constituted by the competent authority in order to check and record the number of cows and their female progeny in a locality/districts in the State.

3. Duties of the Authorized Person and Procedure for filing of report before the Authorized Person:

- (1) The Authorized person shall prepare and file a report within 48 (forty eight) hrs before the Competent Authority with regards to:-
 - (i) whether a Certificate was obtained as required under sub-section (2) of section 4 of the Act;
 - (ii) whether such cow as mentioned hereinabove was slaughtered in the manner as prescribed by the rules;
 - (iii) whether the carcass of such cow was buried or disposed off in the manner as prescribed by the rules.
- (2) There shall be such authorized person/s authorized by the competent authority for taking into account the locality / districts in the State. The Authorized Person shall at a regular interval of time, check the numbers of cows in their locality. Further, the Authorized person(s) shall also have the responsibility of coordinating with the Record Keeping Committee in order to check the number of cows and their offspring. The Authorized Committee shall monitor and prepare a census of cows. The Record Keeping Committee and the Authorized Person(s) shall meet at regular interval of time.
- (3) It shall be the duty of the Authorized Person(s) to find any such person who is/was the eyewitness or has seen the occurrence or has the knowledge about the commission of an offence in contravention to the provisions of the Act.

4. Seizure of the Property, Vehicle used for transportation and Disposal of the Property:

- (1) Where there is a reason to believe that a cow has been slaughtered, such meat/ property together with all implements, vehicle, tools etc used in committing any such offence shall be seized by the Authorized Person(s).
- (2) Any Authorized Person(s) may, if there is a reason to believe that a vehicle has been or is being used for the transportation of cow's meat in respect of which there is a reason to believe an offence has been or is being committed, require the driver to stop the vehicle and cause it to remain stationary as long as may reasonably necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in possession of such driver or other person in charge of the vehicle.
- (3) Any Authorized Person(s) seizing any property under these rules shall place on such property or the receptacle or vehicle, if any, containing a mark indicating that the same has been seized, in presence of two or three witnesses, as the case may be and make a report of such seizure to the Court having territorial jurisdiction to try the offence on account of which the seizure has been made.
- (4) The carcass seized under these rules, if it is subjected to speedy and natural decay, the same shall be disposed off by burial, incineration or any other procedure as prescribed. The expenditure for the process of disposal whatsoever shall be borne by the owner of the carcass or any person under whose possession such carcass is found. The same shall be disposed off only after photographs are taken for preparing the report in presence of witnesses.
- (5) When the offender is not known or cannot be found, the Court having territorial jurisdiction, shall if it finds that an offence has been committed, order to be forfeited

any produce together with tools, vehicles or cattle and other articles used in committing the offence and take charge of by the concerned officer or to be made over to the person whom the Court deems to be entitled to the same. However, in case where the cattle has no owner or a dispute remains with regard to its ownership, the cattle shall be handed over to the Gaushalas / shelter house maintained either by Government or Non-Governmental Organizations.

- (6) Any person who contravenes the provisions of the Act, or any rules and notification made there under shall be punishable as per the provisions under section 7 of the Act.
- (7) Any officer not below the rank of Veterinary Officer or equivalent post shall have the power to inspect and confiscate the property.
- (8) (a) An officer not below the rank of Veterinary Officer or equivalent post who has seized or confiscated the cow offered to be slaughtered or carcass shall immediately inform / lodge First Information Report / complain to the nearest Police Station having territorial jurisdiction to take cognizance and investigate into the matter for the commission of offence.

(b) The Police Officer not below the rank of Sub-Inspector shall register or cause to be registered for investigation immediately as and when the information or complaint received. The search officer shall proceed for investigation as soon as possible and after the completion of search investigation shall file charge sheet in appropriate court having territorial jurisdiction as per the provision of the Code of Criminal procedure 1973 for trial of the offence against the offender / culprit.

However, the filing of charge sheet shall be informed to the competent authority of the administrative Department for information and record.

5. Manners for slaughtering the diseased cows and disposal of the carcass:

- (1) The diseased cow shall be slaughtered only at a place notified by the Government.
- (2) Where a cow is slaughtered for the reasons stated in sub-rule (1), the person who slaughters or causes to slaughter such cow, shall first obtain a certificate from the Competent Authority under sub-section (2) of section 4 of the Act.
- (3) The cow shall be slaughtered by means of sedation / state of calm and painless death in designated places as notified by the Local Authority or Government.
- (4) The carcass shall be disposed off by burial or incineration.

6. Notification of infectious or contagious diseases:

The Government shall notify the emerging infectious and contagious diseases for which the animals infected are slaughtered to prevent and contain such diseases.

7. Establishment of institution/Protective shed/Shelter house:

Gaushalas / shelter house shall be established and maintained either by Government or local Authorities or Non-Governmental Organizations to house unproductive cows, in such manner as may be notified by the Government from time to time.

Dr. Kumar Bhandari
Secretary
AH.L.F.& VS. Department